

ARTICLE II

Section 2. DEFINITIONS.

A. Except as indicated in paragraph B of this Section, the words used in this Law shall have the meaning commonly attributed to them. Doubts as to their precise meaning or as to the definitions in paragraph B of this Section shall be determined by the Board of Appeals hereinafter established.

B. The following words and terms used in this Law are defined as follows:

1. Accessory Building. A building located on the same lot as a principal building but clearly subordinate to the principal building and used for purposes that are related but incidental to those of the principal building.

2. Accessory Use. A use of land or a building or a portion thereof that is customarily subordinate and incidental to the principal use of the land or building and located on the same lot as the principal use.

3. Adult Use (see Local Law No. 1 of 1999). A public or private establishment, or any part thereof, which is defined and regulated by Local Law No. 1 of the year 1999 regulating adult uses in the Town of Fabius.

4. Adult Residential Care Facility. Residential facilities for adults where minimal medical care is provided to residents on a 24-hour basis for persons who are unable to live independently. Such establishments include an adult care facility as defined in the New York State Social Services Law and which maintains a valid operating permit from the New York State or Onondaga County Department of Social Services. Adult care facilities also includes retirement homes and communities, which provide residences for the elderly with some supportive services (see also Retirement Community).

5. Agriculture, Production. Land resources used, and the activity associated with, the production and processing of plants and animals to make them useful to society including the use of temporary structures. Production agriculture can involve the cultivation and production of field crops, fruits, vegetables, horticulture products, nursery and greenhouse crops, livestock and livestock products, timber and fish products and similar activities involving the use of plants and/or animals (see also Farm).

6. Agriculture, Services. Businesses engaged in agricultural activities and/or agribusinesses that are not production oriented but involve complimentary nonagricultural activities including technology, research, marketing and sales.

7. Alteration. As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or to moving from one location to another.

8. Appeal. A formal request to the Board of Appeals for a review of the Building and Zoning Officer's interpretation of any provision of this Law or a request for a variance.

9. Bed and Breakfast. An owner-occupied, one unit dwelling within which overnight accommodations are provided for transient guests in compliance with the New York State Uniform Building Code and generally including the serving of breakfast to guests.

10. Buffer Strip. A strip of land, generally adjacent to a property line, on which a screen of landscaping that will be dense enough and high enough to be a visual buffer is installed and maintained by the property owner.

11. Building. Any structure having walls and covered by a roof or roofs.

12. Building, Front Line of. A line denoting that face of a building nearest the front line of the lot. This face includes sun parlors and covered porches but does not include steps.

13. Cabin or Cottage. A building designed for seasonal occupancy and not suitable for year-round living, whether or not such building is actually occupied seasonally or otherwise.

14. Church or Other Place of Worship. A building or space for public worship and used by an organization that is registered by the State of New York.

15. Communication Tower (see Telecommunications Tower).

16. Community Services. Businesses engaged primarily in the provision of goods and services to a larger population and generally not involving personal care or maintenance (see also Personal Service).

17. Convalescent Home. An extended or intermediate care facility licensed by the State of New York to provide full-time convalescent or chronic care to individuals who are not able to care for themselves. A skilled nursing facility/nursing home.

18. Convenience (Mini) Mart. A small commercial activity that may offer for sale convenience goods, beverages, sundries and motor fuel.

19. Drive-thru. A commercial establishment, or part thereof, that encourages or permits customers to receive services, obtain goods or be entertained while remaining in their vehicles.

20. Dwelling. A permanent building, or part thereof, intended to be used for year-round habitation and designed to provide for eating, sleeping and cooking for one family. For purposes of this Law, temporary shelters such as tents, trailers or other shelters designed to be readily removable from the premises shall not be considered to be a dwelling.

21. Dwelling, Double-Wide Manufactured Home. A pre-manufactured one-family dwelling as defined under the National Home Construction and Safety Standards, as amended, and meeting the applicable Special Conditions set forth in Section 15C of this Law.

22. Dwelling, Factory Manufactured. A one-family dwelling that meets all applicable New York State Building Codes and is constructed by a method or system of construction whereby the basic structure or its components are wholly, or in substantial part, manufactured in a remote facility. A factory manufactured dwelling does not have a hitch or wheels and is designed to be transported by truck to a lot for assembly and permanent installation on a foundation. For purposes of this Law, a Mobile Home as defined herein, whether single-wide or double-wide, is not a factory manufactured dwelling.

23. Dwelling, Multiple-Family. A permanent detached building used or designed as a residence for three or more families living independently of each other and having separate kitchens and bathroom facilities for each unit.

24. Dwelling, One-Family. A permanent detached building designed for, and occupied exclusively by, one family.

25. Dwelling, Two-Family. A permanent detached building designed for and occupied exclusively by two families living independently of each other.

26. Family. An individual, or two or more persons occupying a dwelling unit and living as a single household.

27. Farm. A parcel of land that is used in the raising of agricultural products such as crops, livestock, poultry and dairy goods and meeting the minimum standards for farming operations as established by the State Agriculture and Markets Law. A farm includes structures necessary to the production, storage, maintenance and care of agricultural products and equipment.

28. Flood, Flooding. A general and temporary condition of partial or complete inundation of normally dry areas from an overflow of a stream or other body of water caused by severe storms or unusual and rapid surface water runoff.

29. Garage, Service or Repair. Buildings or premises or portions thereof arranged, intended or designed to be used for the sale of any type of vehicular motor fuel and which may also include areas or structures for polishing, greasing, washing, repairing or otherwise servicing of motor vehicles. A junkyard or salvage yard is not to be construed as a garage.

30. Garage, Private. A carport or enclosed building, usually provided for use by the inhabitants of a residential building, in or about which no business activity or industry connected directly or indirectly with motor vehicles is conducted, and in which no more than four vehicles are housed.

31. Greenhouse, Plant Nursery. Any building or structure in which light, humidity and temperature can be controlled or the growing and protection of flowers and other plants.

32. Height of Building. The average vertical distance from the group outside the foundation wall to the highest point on the roof, exclusive of chimneys.

33. Home Occupation or Business. An occupation or profession which is carried on entirely within a dwelling by one or more members of the family residing in the dwelling and is clearly secondary to the use of the dwelling as a residence, and which meets the performance standards set forth in Section 15(C)(7) of this Law.

34. House Trailer. A vehicle used for living or sleeping purposes and standing on wheels or rigid supports, but does not include HUD approved double-wide manufactured homes, as defined and as restricted herein, or modular homes.

35. Kennel. Any premises, including structures, cages and runs, wherein are harbored more than four domestic animals that are at least four months old and are not owned by the property owner or lessee, for boarding, breeding, grooming, training or selling.

36. Land Use Activity. Any action that occurs on land or in a structure that affects the use or appearance of said land or structure or the intensity of use thereof.

37. Junk Yard. A lot, land or structure, or part thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal, scrap wood, boxes, appliances or other personal property, discarded material or for the collecting, dismantling, storage or salvaging of machinery, appliances or other personal property, or two or more inoperable vehicles, or parts thereof, or for the sale of the whole or parts thereof (see Vehicle, Inoperable).

38. Lot. Any parcel, plot or tract of land separated from other parcels of metes and bounds description, or as shown on a survey or subdivision map, for the purpose of sale, lease or separate use.

39. Lot Coverage. The percentage of a lot covered by the ground level area of a building excluding terraces, decks and porches that are not enclosed or covered by a roof.

40. Lot, Depth of. The mean distance from the street line of the lot to its opposite rear line measured along the approximate median between the two side lines.

41. Lot, Flag. A lot that, at minimum, meets the area requirements of this Law and is connected to a public road right-of-way by a strip of land at least 25 feet in width and containing a private access drive.

42. Mobile Home. A one-family dwelling transportable on its own chassis and wheels, installed on its own wheels or on rigid supports and designed to be towed from one site to another. For purposes of this Law, a HUD-approved double-wide manufactured home or a modular home shall not be considered a mobile home.

43. Non-Conforming Building. A building existing on the date of adoption of this Law, as amended, that does not meet the size, dimension or location requirements of the Zoning District in which it is located.

44. Non-Conforming Lot. A lot of record existing on the date of adoption of this Law, as amended, that does not meet the minimum area or dimension requirements of the Zoning District in which it is located.

45. Non-Conforming Use. A building or use of land existing at the date of adoption of this Law, as amended, that does not conform to the use regulations of the Zoning District in which it is located.

46. Occupancy, Seasonal. Occupancy or use of a structure, building or space for only part of a year, usually for a period that does not exceed six months, total or cumulative, in any calendar year.

47. Open Space. That part of the gross lot area that is not used for building, parking or service, and may include lawns, garden areas, wooded areas, floodable land, driveways and residential parking areas.

48. Parking Space. An area for the temporary parking or storage of motor vehicles and which has at least nine feet of width, eighteen feet of length and seven feet of clear height, together with adequate provision for maneuvering and access thereto.

49. Personal Service Business. Establishments primarily engaged in providing services to individuals and involving personal care or maintenance.

50. Retirement Housing. Self-contained housing development designed for, and marketed to, older people and providing minimal services.

51. Road, Street or Highway Line. The line that is the common boundary line between a lot and a road, street or highway right-of-way.

52. Structure. Anything constructed, erected or installed, the use of which requires a temporary or permanent location on, above or below the surface of land or water.

53. Roadside Stand. A stall or booth used for commercial purposes where farm products are offered for sale, usually on a seasonal basis.

54. School. A public school or a private school (including a parochial school) certified by the Board of Rents of the State of New York, which is devoted primarily to academic instruction and offering a curriculum of study similar to that of a public school and attendance at which is in sufficient compliance with the compulsory education laws of the State of New York.

55. Sign. Any structure, display, device or representation that is less than 60 square feet in area and designed or used to advertise or call attention to any thing, product, person, business, activity, event or place and visible from any road right-of-way. The flag or pennant of any nation, state or municipality shall not be considered a sign.

56. Sign, Outdoor Advertising Billboard. Any device, structure, object or building façade larger than 60 square feet in area, located on private premises, no closer than 50 feet from a public right-of-way and generally used for advertising goods, services, places, activities or events other than those directly related to the premises on which such sign is located.

57. Site Plan. A plan for the proposed development or use of a parcel of land that is prepared and presented for site plan review pursuant to applicable provisions of this Ordinance.

58. Special Conditions. Conditions and standards applicable to certain uses listed herein in **Schedule I** of this Law as "SC" which conditions and standards must be complied with before a permit can be issued by the Building and Zoning Officer.

59. Special Use Permit. A permit from the appropriate Town agency, as specified in this Law, authorizing certain uses listed herein in **Schedule I** as "SP" which will be permitted subject to specified requirements and conditions to assure that the proposed use is in harmony with the intent of the Zoning Law and will not adversely affect the neighborhood if the requirements and conditions can be met.

60. Stable, Commercial. A facility in which horses are boarded or trained for a fee or are kept and made available for hire, sale or other type of remunerative activity.

61. Telecommunication Tower. Any tower, pole or other structure designed to be used for the commercial transmission or reception of television, radio and cellular telephone signals, microwave or similar electronic impulses. Does not include amateur radio (HAMS) installations.

62. Used Car Lot. The use of a premises for public selling or offering for sale of two or more vehicles at any one time.

63. Variance. Written authority to deviate from any regulations of the Law, said authority to be obtained from, or denied by, the Board of Appeals in accordance with applicable provisions of this Ordinance.

64. Variance, Area. Authorization by the Board of Appeals to use land in a manner that would not otherwise be allowed because of dimensional or physical requirements and regulations set forth in **Schedule II** or other applicable regulations of this Law.

65. Variance, Use. Authorization by the Board of Appeals for the use of land or a building that is otherwise not allowed or is prohibited by the provisions of **Schedule I** or other applicable regulations of this Law and meeting applicable criteria of State Law.

66. Vehicle, Inoperable or Wrecked. Two or more vehicles that cannot be operated because they are unlicensed or unregistered, or one or more vehicles that are used for parts or are wrecked or are otherwise inoperable.

67. Yard, Front. An open space extending across the entire width of a lot, between the road right-of-way and the front line of any potential building, projected to the side lines of the lot. Front yard depth shall be measured between the building line and the road right-of-way.

68. Yard, Rear. An open space extending across the width of a lot, between the rear line of the lot and a line parallel to the rear line, and at a distance therefrom as specified in **Schedule II** of this Law.

69. Yard, Side. An open space on the same lot with any potential building, between such building and the side lot line and extending from, the front yard line to the rear yard line.